

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA,**

**V.**

**(1) STRYKER BIOTECH, LLC,**

**(2) MARK PHILIP,**

**(3) WILLIAM HEPPNER,**

**(4) DAVID ARD and**

**(5) JEFFREY WHITAKER,**

## Defendants

**Criminal No.: 09-CR-10330-GAO**

## STIPULATION

The parties hereby stipulate to the admissibility of the following facts, and agree that this Stipulation shall be read to the jury during the trial of this matter:

1. In response to a subpoena from the government for certain original documents from Mark Philip's former office, attorneys for Stryker Biotech, LLC ("Stryker Biotech") went to Stryker Biotech's offices in Hopkinton, Massachusetts to collect those documents. This collection was made approximately six months after Mark Philip had left Stryker Biotech. During that approximately six month period, another Stryker Biotech employee had been using Mark Philip's former office. At the request of Stryker Biotech's attorneys, that employee provided them with the documents from that office that he understood had been left behind by Mark Philip. The documents you will see at this trial which have identification numbers that start with an "O" prefix are from the office described above and were provided to the government in the manner described above.

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Dated: January 4, 2012

Certificate of Service

I hereby certify that the foregoing documents filed through the ECF system will be sent electronically to counsel for each defendant who is a registered participant as identified on the Notice of Electronic Filing (NEF).

Gregory F. Noonan  
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